

REMARKS

In accordance with the foregoing, claim 9 is amended and new claim 18 is presented. No new matter is being presented, and approval and entry of the amended claim 9 and claim 18 are respectfully requested.

Claims 1-18 are pending and reconsideration is requested.

All rejections are traversed.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116

Applicants request entry of this Rule 116 Response because it is believed that the amendment of claim 9 and the addition of claim 18 raise no new issues are being raised and should not entail any further search by the Examiner. Claim 9 is amended herein to correct antecedent basis so as to correspond to base claim 8 and new claim 18 recites features recited by claim 1 in an alternate fashion.

ITEM 4-6: REJECTION OF CLAIMS 10 AND 12 UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Items 4-6 of the current Action rejects claims 10 and 12 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. The Examiner contends the phrase "or to a default location" recited in claim 10 lacks an adequate description, and the phrase recited by claim 12 "selecting a plurality of parcels to be delivered to a single consignment relay station" is not supported.

Applicants submit that the specification provides adequate support for a "default location." For example, page 12, starting at line 13 discusses a "nearest convenience store CM is a default in the case where the user receives a parcel in the convenience store."

Applicants submit the specification provides adequate support for claim 12. For example, FIG. 10, indicates "IF YOU WANT TO RECEIVE PLURAL PARCEL AT ONE TIME, SELECT PLURAL PARCELS AND DESIGNATE A DAY A TIME AND A PLACE." These features are further discussed, for example, on page 26, starting at line 16.

Conclusion

Applicant submits that claims 10 and 12 comply with 35 U.S.C. §112, first paragraph and request the rejection be withdrawn.

ITEMS 7-10: REJECTION OF CLAIMS 8-9 UNDER U.S.C. §112, SECOND PARAGRAPH AS INDEFINITE

The Examiner rejects claims 8-9 under U.S.C. §112, second paragraph as indefinite. In item 9, the Examiner contends the phrase "a computer-readable storage" is indefinite. In item

10, the Examiner contends the phrase "the instructing the consignment relay station designated by the receiver to transfer the parcel" in dependent claim 9 has insufficient antecedent basis.

Applicants submit that the term "storage" is definite as understood in the art, and is a broader term to include both a "medium," e.g., disc and a "device," e.g., hard drive memory.

Claim 9 is amended herein to recite "instructing the deliveryman to deliver the parcel to the consignment relay station" to correspond to base claim 8.

Conclusion

Applicant submits that claims 8-9 comply with 35 U.S.C. §112, second paragraph and request the rejection be withdrawn.

ITEMS 12 -20: REJECTION OF CLAIMS 1-9, 14, 15 AND 17 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER TSUKUDA IN VIEW OF NAIDOO (U.S.P. 6,629,136) IN FURTHER VIEW OF HUNT ET AL. (U.S.P. 6,496,855).

The Examiner rejects claims 1-9, 14, 15 and 17 under 35 U.S.C. 103(a) as being unpatentable over Tsukuda in view of Naidoo in further view of Hunt et al.

Independent claims 1 and 8 respectively recite a home-delivery method for a receiver to receive a parcel and a computer-readable storage storing a program for controlling a computer, using claim 1 as an example, "registering user information including a home address and a working place address of the receiver in a home-delivery server; registering consignment information of the parcel, to be received by the receiver, in a home-delivery server; transmitting parcel information from the home-delivery server to a receiver's terminal after the consignment information is registered in the home-delivery server and before the parcel is delivered; transmitting, from the receiver's terminal to the home-delivery server, first information about a consignment relay station designated by selecting a place for receiving the parcel from a group including a vicinity of the receiver's home and working place, and second information about a designated day and time for receiving the parcel, in response to the parcel information, the first and the second information being designated by the receiver; receiving the first and the second information transmitted by the home-delivery server, the first and the second information being about the consignment relay station and about the day and the time respectively that the receiver designates; and delivering a parcel to the consignment relay station that is designated by the receiver."

Independent claim 5 recites a home-delivery server including "a database registering user information including a home address and a working place address of the receiver and

consignment information about the parcel to be transmitted to the receiver; means for transmitting parcel information to a receiver's terminal after the consignment information is registered in the home-delivery server and before the parcel is delivered; means for receiving first information about a consignment relay station designated by selecting a place for receiving the parcel from a group including a vicinity of the receiver's home and working place, and second information about a day and a time, the first and the second information being designated by the receiver; and means for instructing a deliveryman to deliver the parcel to the consignment relay station designated by the receiver to transfer the parcel to the receiver."

Independent claim 14 recites a delivery system for a user to receive a parcel, including "a user terminal receiving information about a parcel to be received and transmitting a location for a delivery from a group including a vicinity of the receiver's home and working place; a consignment relay station terminal receiving information about an identity of the user and the parcel to be transferred to the user; and a delivery server connectable to the user terminal and the consignment relay station terminal via a network, the delivery server comprising a database with user information, consignment relay station information, and parcel information."

ACTION IS INCOMPLETE AND THE FINALITY SHOULD BE WITHDRAWN

Applicants submit that the current Action is incomplete and the finality should be withdrawn. The Examiner has not provided an explanation in rejecting arguments in the Amendment filed July 20, 2004, that for example, Tsukuda does not teach registering user information including home address and working place address, and that Tsukuda merely teaches (col. 2, lines 43-47):

... determining scheduled date and time for delivery. . . from a schedule information of delivery information of each area of the distributor and . . . the purchaser.

The Examiner merely indicates in item 30, entitled Response to Arguments, "Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection."

As set forth in MPEP §707.07(f) entitled Answer All Material Traversed "an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application."

Since the Examiner has not responded to arguments the finality of the current Action should be withdrawn.

Features Not Taught By Cited Art Alone Or In Combination

The Action concedes that Tsukuda does not teach transmitting information in the vicinity

of the home address. However, the Examiner contends that Tsukuda teaches "registering a home address" and Naidoo teaches registering a home address and delivering localized content to users corresponding to each user's graphical area and that it is obvious to modify Tsukuda so that a user's location is considered and "automatically delivers contents with those graphical areas." (Action at page 5).

The Action also concedes that Tsukuda and Naidoo do not teach "registering user information including a home address and a working place address." However, the Examiner contends that Hunt teaches the use of user profiles where a home address and a work address are entered, and it would have been obvious to modify Tsukuda and Naidoo to allow the user to choose between "a set of different profiles, either the home or work address."

Applicants submit that the Examiner is mistaken in the contention that Tsukuda teaches "registering a home address."

Further, Tsukuda does not teach "registering user information" but merely determining a scheduled date and time for delivery. Tsukuda teaches a scheduled data and time for delivery based on schedules of a user (purchaser) and a distributor. When certain conditions are met, commodities/goods are delivered to an agent. Tsukuda teaches that a distributor visits a user's home for delivery on the determined date and time. In Tsukuda, however, when the distributor visits at the user's house for delivery, the distributor cannot always effect the delivery. For example, even if the user is at home, if the user does not answer the door, the goods may not be delivered. Such face-to-face delivery of the commodities/goods may result in inefficiency for the distributor. Further, since a user's situation is subject to change, even if commodities/goods are delivered to an agent, the commodities/goods are not always delivered to an agent that is most convenient for the user.

In contrast, according to aspects of the present invention, a user (receiver) specifies, for each parcel, a convenient day and time and consignment relay station for receiving a parcel. For example, a user specifies a consignment relay station located near the user's home address or the user's working place address. Accordingly, it is sufficient that a parcel is delivered to a place (consignment relay station) that is convenient for a user by the day and time that is convenient for the user for a delivery to be effected. Thus, a home-delivery company, according to the present invention, delivers a parcel to a consignment relay station specified by a user instead of a user's house.

Thus, a user can receive a parcel at a desired place on a desired day and time. This also decreases inefficiency of a home-delivery company in delivery failure

due to user's absence.

Applicants submit that none of the cited art, alone or in combination, teaches that a user specifies a convenient day and time for delivery and a convenient place for receiving a parcel.

Further, claim 4 recites "displaying information about a privilege, the privilege being given to the receiver when the receiver receives the parcel before or at the designated day and time at the displayed consignment relay station." For example, as shown in FIG. 11, such a privilege includes, for example, "discount coupon ticket or "5% discount" as a specific benefit to a receiver.

Tsukuda merely teaches (col. 9, lines 33-45) a mere "confirmation of receipt." Tsukuda does not teach in the lines cited, or anywhere else, that a privilege is given when a parcel is received before or at a designated day.

No Reasonable Chance Of Success To Combine The Art

Further there is no reasonable chance of success to combine the art in a manner as suggested by the Examiner.

For example, Hunt teaches (cols. 6-7) that users can have more than one set of core profile data which allows them to maintain a set of different "personalities" for example one for a work address and one for a home address.

Applicants submit there is no reasonable chance of success to modify Tsukuda regarding a delivery of parcels to different "personalities," as the Examiner contends.

Conclusion

Since the current Action is incomplete the finality of the Action should be withdrawn. Since features recited by the claims are not taught by the cited art, alone or in combination, and there is no reasonable chance of success to combine the art as the Examiner contends, *prima facie* obviousness is not established and the rejection should be withdrawn. and claims allowed.

ITEMS 10-13: REJECTION OF CLAIMS 10-13 AS BEING UNPATENTABLE OVER TSUKUDA IN VIEW OF NAIDOO IN FURTHER VIEW OF HUNT AND TATENO ET AL. (U.S.P. 4,836,352)

The Examiner rejects claims 10-13 as being unpatentable over Tsukuda in view of Naidoo in further view of Hunt and Tateno et al. (U.S.P. 4,836,352).

The Examiner contends that Tsukuda and Naidoo teach transmitting information in regards to the "vicinity" of the home address. (Current Action at page 7).

Independent claim 10 recites a home-delivery method for a receiver to receive a parcel, comprising "displaying parcel information on a receiver's terminal; displaying consignment relay station information on the receiver's terminal; delivering a parcel to a consignment relay station selected by the receiver, from a group including a vicinity of the receiver's home and working place, or to a default location; and calculating a fee to be charged or a fee to be paid a user of the home-delivery method."

Applicants submit that these features are not taught by cited art, alone or in combination. Further, there is no reasonable chance of success to modify Tsukuda with Tateno for calculation of a fee, as the Examiner contends.

Conclusion

Since features recited by the claims are not taught by the cited art, alone or in combination, and there is no reasonable chance of success to combine the art as the Examiner contends, *prima facie* obviousness is not established and the rejection should be withdrawn. and claims allowed.

NEW CLAIM

New claim 18 recites features of the present invention in an alternate fashion.

New claim 18 recites a home-delivery method for a receiver to receive a parcel, including "registering user information including a home address and a working place address of the receiver; registering consignment information of the parcel to be received by the receiver; accepting designation information from the receiver after the consignment information is registered and before the parcel is delivered, the designation information including information about a consignment relay station selected from consignment relay stations located in a vicinity of the home address and the working place address of the receiver, and information about a day and a time for receiving the parcel; and delivering the parcel in accordance with the accepted designation information."

These features patentably distinguish over the cited art.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge

Serial No. 09/778,917

the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: February 22, 2005

By: Paul W. Bobowiec
Paul W. Bobowiec
Registration No. 47,431

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501